

REMARKS

Claims 45-50, 52-53, 55, 57, 60, 63, 65, 67, 69-70 have been amended. Claim 61 has been cancelled. New claims 72-73 have been added. Accordingly, claims 45-60, and 62-73 are now pending.

Rejections under 35 USC §112, first paragraph

The rejections have been rendered moot by Applicant's amendments. However, it is Applicant's position that the scope of the claims have not been narrow, as the phrase "a location" covers each and every location of the file.

Rejections under 35 USC §112, second paragraph

With respect to the rejections against claims 45, 52 et al, Applicant respectfully traverses the Examiner's narrow interpretation of the word "file", equating it to only a "clip" of audio recording. Applicant is puzzled by the Examiner's action, as Examiners in general, always argue they are required to give each term/phrase its "broadest" meaning. In the instance case, Applicant is not sure where the Examiner gets the idea that Applicant considers the words "file" and "clip" to be synonymous. In page 8, starting line 25, Applicant stated

The disk storage unit 230, together with the archival storage unit 235, serve as audio libraries, which can be accessed by the primary server 240 (without stating any limitation on the data organization structure for the data in the audio libraries, which may of course, include files). In one preferred embodiment, the disk storage unit 230 contains audio clips ... (annotation and underline added).

Accordingly, Applicant clearly did not equate "file" and "clip" to be synonymous, but of course, a file may be a clip. Withdrawal of the rejections is respectfully requested.

With respect to the rejections against claims 58 and 64, Applicant respectfully traverses. Applicant submits the meaning is definite to one of ordinary skill in the art. The limitation clearly calls for an action (clearing of a message queue) to be performed when a condition (receipt of a seek request) occurs. The message queue may be any

message queue. Applicant should not be required to include language to limit the nature of the messages in the message queue (for definiteness purpose). Likewise, withdrawal of the rejections is respectfully requested.

Claim 67 has been amended to overcome the Examiner's rejection.

Rejection of claim 61 has been rendered moot by its cancellation.

Rejections under 35 USC §102(e)

Claim 45 has been amended to clearly require the "seek request" on which the "determining" operation is based, includes "data indicative of the location sought".

Col. 2, lines 37-43 of Moskowitz merely teach of requesting VCR functions, such as forwarding, rewinding, pausing, and restarting after a pause ... In accordance with their plain meanings as understood by those of ordinary skill in the art,

Forwarding merely means advancing until the device is instructed to stop, and Rewinding merely means retreating until the device is instructed to stop. In neither case, data indicative of a location sought is included with the request. The device in receipt of the request is not cognizant of the *location being sought*. Its logic looks for a follow up "stop" instruction from a user, or an end of file condition, otherwise, it keeps on advancing or retreating.

In the case of a Seek request. It is very different. Data indicative of a location sought is included with the request. The device in receipt of the request is cognizant of the *location being sought*. Its logic continuously determines whether the location sought has been reached.

Thus, the "seek request" is not taught by Moskowitz. It follows then, the required "determining" operation, based on such a "seek request", is not taught by Moskowitz. Since Moskowitz fails to anticipate at least one limitation of claim 45, accordingly, claim 45 is patentable over Moskowitz.

Each of claims 52, 55, 63, 67, and 69 includes in substance the same limitation. Therefore, for at least the same reasons, claims 52, 55, 63, 67, and 69 are patentable over Moskowitz.

Claims 46-47, 59-61, 65-66, 68, and 70-71 are dependent on claims 52, 55, 63, 67, and 69, incorporating their limitations, respectively. Accordingly, for at least the same reasons, claims, claims 46-47, 59-61, 65-66, 68, and 70-71 are patentable over Moskowitz.

Rejections under 35 USC §103(a)

Claims 58, 62 and 64 depend on claims 55 and 63, incorporating their limitations, respectively. Accordingly, for at least the same reasons, claims 58, 62 and 64 are patentable over Moskowitz.

New claims 72 and 73

Claims 72 and 73 depend on claims 45 and 55, incorporating their limitations, respectively. Accordingly, for at least the same reasons, claims 72 and 73 are patentable over Moskowitz.

Conclusion

In view of the foregoing, claims 45-60 and 62-73 are in condition of allowance. Early issuance is respectfully requested.

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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